IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

RP.No. 899 of 2006(M)

AGAINST THE JUDGEMENT/ORDER IN OP.32627/1999 Dated 01/06/2006
.....

: REVIEW PETITIONERS/RESPONDENTS
---

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE, KERALA, THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL (A& E) KERALA, OFFICE OF THE ACCOUNTAT GENERAL, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: PETITIONER

A.ABDUL HAMEED, VAHEED MANZIL, KAUDIAR GARDENS, GOLF LINK ROAD,JAVAHAR NAGAR P.O. THIRUVANANTHAPURAM- 695041.

BY ADV. SRI.SHAFIK M.A.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH, J.

R.P.No.899 of 2006 in
O.P.No.32627 of 1999

Dated this the 16th day of November, 2007

O R D E R

This is a petition to review the judgment dated 1-6-2006 in O.P.No.32627/1999. Despite the pendency of the writ petition for more than six years there was no counter affidavit. Hence the court is constrained to pass an order on 5-4-2006 to the effect that "in case no counter affidavit is filed on or before 31-5-2006 it will be taken that the respondents have no objection in allowing the writ petition". Therefore, the writ petition was posted after the expiry of the period and allowed in terms of the order dated 5-4-2006.

2. The review petitioners have a contention that the government order sought to be relied on by the writ petitioner had already been cancelled. It was very well open to the review petitioners to file a counter affidavit to that effect, in which case the writ petitioners would have got an opportunity to counter the contentions. The learned Government Pleader undertakes to file counter affidavit within ten days from today. Be that at it may,

since the writ petition has to be considered on merits, in view of the contentions taken in the review petition, it is only in the interests of justice that the review petition is allowed by granting costs to the writ petitioner.

Accordingly the review petition is allowed on the following conditions:-

(i) The writ petitioner shall be paid costs to the tune of Rs.1,000/- within one month from today.

(ii) The counter affidavit in O.P.No.32627/1999 will be filed within two weeks from today.

If either of these conditions is not satisfied the review petition will stand dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

R.P.No.899 of 2006 in
O.P.No.32627 of 1999

O R D E R

16th November, 2007